

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

5.09 Body Armor as Personal Protective Equipment

Date Issued: July 14, 2006

I. Background

One of the general employer obligations under the Washington Industrial Safety and Health Act (WISHA) is to identify and provide personal protective equipment (PPE) appropriate to the hazards of the job. WAC 296-800-160 requires the employer to assess the PPE necessary to the job, to select and require the use of appropriate and properly fitted PPE, and to ensure that employees are properly trained in its use. The fact that the assessment has been performed and that the training has been provided must be certified in writing.

WISHA Regional Directive (WRD) 32.00 addresses body armor in the context of law enforcement. However, the question of the appropriate use of body armor as PPE can be raised outside the context of law enforcement, and guidance is needed in those cases as well.

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all DOSH enforcement and consultation activities involving the requirements of WAC 296-800-160 as they relate to body armor as personal protective equipment (PPE). This WRD also replaces, but does not substantively change, WRD 5.09, issued March 20, 2002, which is hereby rescinded.

III. Application Guidance

A. *What standards apply to the use of body armor on the job?*

Although not specifically discussed, body armor is PPE within the context of the general requirements of WAC 296-800-160:

- WAC 296-800-16005 and 16010 require the employer to complete and document a hazard assessment to determine whether PPE is needed.
- WAC 296-800-16015 and 16020 require the employer to select and provide appropriate PPE, and WAC 296-800-16040 requires employers to require its use.
- WAC 296-800-16025 and 16030 require employee training in the use of PPE, and WAC 296-800-16035 requires that the training be documented.

- WAC 296-800-16045 requires employees to keep PPE safe and in good condition.

IV. **Special Enforcement and Consultation Protocols**

A. *How are DOSH staff expected to apply the PPE standard to issues regarding body armor?*

DOSH enforcement and consultation staff are expected to apply the standard as appropriate under the following general guidance:

1. Because of the nature of law enforcement, any law enforcement employer must assess the need for body armor in order to adequately meet the employer's obligations under the standard (see WRD 32.00). Other employers can reasonably be expected to assess the need for body armor whenever firearms are worn or whenever the employer can reasonably anticipate that employees may be shot at in the course of their duties (see WRD 5.05 for guidance in assessing workplace violence risks).
2. If the employer's assessment documents a need for body armor, the employer must provide the necessary body armor, ensure that it fits, ensure that employees are trained in its use and limitations, and ensure that it is worn when necessary (regardless of whether the employee may exceed the employer's policies at his or her discretion, the employer must determine when body armor is minimally necessary and *require* its use at such times).
3. Although the standard does not enable DOSH consultation or enforcement staff to simply substitute their judgment for that of the employer, the employer's PPE assessment must be a credible one (for example, a police department's assessment indicating that its armed police officers *never* have a need for body armor – or that wearing body armor is *always* at the officer's discretion – is unlikely to be accepted as credible).

B. *What special review requirements exist when an employer is being cited for failure to provide body armor?*

When an inspector or consultant applying the above guidance identifies a PPE violation, he or she shall issue the appropriate citation(s) under WAC 296-800-160. Any citation based on a determination that body armor is required or that an employer's body armor assessment and practices are not credible (although they might otherwise meet the requirements of WAC 296-800-160) shall be issued only after consultation with the Compliance Operations Manager.

Approved: _____
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